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September 29, 2022

SENT VIA EMAIL ECF AND EMAIL

Honorable Judge John Gallagher
United States District Court
Eastern District of Pennsylvania
504 W. Hamilton Street
Allentown, PA 18101

RE: Amor, et al v. Conover
Civil Action No.: 5:21-cv-05574-JMG

Plaintiffs' respond in letter form to the Court's inquiry regarding witness disclosure

Federal Rule of Civil Procedure (F.R.C.P) 26(a)(1)(c) reads in relevant part: 'the disclosing party must make its initial disclosures within fourteen days of the parties rule 26(f) conference order or time set by stipulation or court order.'

In this case, no F.R.C.P 26(f) report was never submitted by either party. The Parties never conferred about discovery or initial disclosures. Plaintiff did offer to resolve with Defendant in April of 2022. The Court never held a Rule 26 (f) scheduling conference and no rule 26 (f) report order was filed by the Court

Because there was no Rule 26 (f) conference, neither party produced initial disclosures to the other party.

The first time the parties formally disclosed their potential trial witnesses was in their respective pretrial statements. All witnesses so disclosed are familiar to both parties.

As for Christine Manns and Lois Dietler; they were disclosed only in anticipation of the Preliminary Injunction Hearing which never took place. See Exhibit 1, letter to the court.

If, the Court excludes the Plaintiffs' witnesses on the basis of a lack of initial disclosures, it must *ipso facto* also exclude those of the Defendant.

It is submitted some of Plaintiffs' witnesses disclosed in their pretrial filing may be used to rebut Defendant's testimony.

Hopefully, this addresses the Court's concerns regarding Plaintiffs' witnesses.

Respectfully Submitted,

KOLMAN LAW, P.C.

/s/ Timothy M. Kolman

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